

Bradford J. Sandler (NY Bar No. 4499877)  
Ilan D. Scharf, Esq. (NY Bar No. 4042107)  
Jason S. Pomerantz, Esq. (CA Bar No. 157216)  
PACHULSKI STANG ZIEHL & JONES LLP  
780 Third Avenue, 34<sup>th</sup> Floor  
New York, New York 10017  
Telephone: (212) 561-7700  
Facsimile: (212) 561-7777

*Counsel to Plaintiff RDC Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK**

In re:

ROCHESTER DRUG CO-OPERATIVE, INC.

Debtor.

Chapter 11

Case No. 20-20230 (PRW)

Advisory Trust Group, LLC, as trustee of the RDC  
LIQUIDATING TRUST,

Plaintiff,

v.

JOM PHARMACEUTICAL SERVICES INC., a/k/a/  
JANSSEN PHARMACEUTICALS; JOM  
PHARMACEUTICAL SERVICES INC. d/b/a/  
JANSSEN PHARMACEUTICA, L.P.,

Defendants.

Adv. Proc. No. 22-02020-PRW

**FIFTH STIPULATION EXTENDING TIME TO ANSWER COMPLAINT**

Plaintiff, RDC Liquidating Trust, through its trustee Advisory Trust Group, LLC (“Plaintiff” or the “RDC Liquidating Trust”), successor in interest to Rochester Drug Co-Operative, Inc. (“Debtor”), and defendant, JOM Pharmaceutical Services, Inc., erroneously sued herein as a/k/a or d/b/a Janssen Pharmaceuticals and Janssen Pharmaceutical, L.P. (“Defendant” and, together with Plaintiff, the “Parties”), by and through their undersigned attorneys, hereby stipulate and agree:

WHEREAS, on February 3, 2022, Plaintiff filed a complaint (the “Complaint”) against Defendant;

WHEREAS, the summons (the “Summons”) was issued on February 4, 2022;

WHEREAS, on February 4, 2022, Defendant was served with the Summons and Complaint; and

WHEREAS, on February 28, 2022, the Parties entered into a stipulation (the “First Stipulation”) by which the time required for Defendant to answer the Complaint was extended through and including April 15, 2022. The First Stipulation was approved by order entered March 1, 2022.

WHEREAS, on March 23, 2022, the Parties entered into a stipulation (the “Second Stipulation”) by which the time required for Defendant to answer the Complaint was further extended through and including June 15, 2022. The Second Stipulation was approved by order entered March 24, 2022.

WHEREAS, on May 10, 2022, the Parties entered into a stipulation (the “Third Stipulation”) by which the time required for Defendant to answer the Complaint was further extended through and including October 14, 2022. The Third Stipulation was approved by order entered May 11, 2022.

WHEREAS, on August 19, 2022, the Parties entered into a stipulation (the “Fourth Stipulation”) by which the time required for Defendant to answer the Complaint was further extended through and including December 16, 2022. The Fourth Stipulation was approved by order entered August 23, 2022.

The Parties hereby stipulate and agree to the matters set forth below:

1. The Parties continue to negotiate and exchange information and have agreed, subject to Court approval, to further extend the time for the Defendant to answer the Complaint to and including March 31, 2023.

2. All other terms set forth in the First Stipulation, Second Stipulation, Third Stipulation, and Fourth Stipulation remain in full force and effect.

Dated: December 12, 2022

PACHULSKI STANG ZIEHL & JONES LLP

/s/ Ilan D. Scharf

Ilan D. Scharf (NY Bar No. 4042107)  
Jason S. Pomerantz (CA Bar No. 157216)  
780 Third Avenue, 34th Floor  
New York, NY 10017  
Telephone: (212) 561-7700  
Email: ischarf@pszjlaw.com  
jspomerantz@pszjlaw.com

*Counsel to Plaintiff RDC Liquidating Trust*

Dated: December 12, 2022

PATTERSON BELKNAP WEBB & TYLER LLP

/s/ David W. Dykhous

David W. Dykhous (NY Bar No. 1080449)  
Kimberly Black (NY Bar No. 5569124)  
1133 Avenue of the Americas  
New York, New York 10036-6710  
Telephone: (212) 336-2850  
Facsimile: (212) 336-2852  
Email: dwdykhous@pbwt.com  
kblack@pbwt.com

*Counsel to Defendant JOM Pharmaceutical Services, Inc.*

SO ORDERED:

DATED: \_\_\_\_\_, 2022  
Rochester, New York

\_\_\_\_\_  
HON. PAUL R. WARREN  
United States Bankruptcy Judge